

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3762

ANSWERED ON:22.12.2015

Killing of Militant by Police

S.R. Shri Vijay Kumar;Sampath Shri Anirudhan

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Union Government, in consultation with State Governments and other stakeholders proposes to frame guidelines to protect policemen from legal action faced by them on account of militants killed during firing in self defence;
- (b) if so, the details thereof;
- (c) the criteria fixed for award of compensation to policemen who died while performing their duty by the Union and the State Governments;
- (d) the total compensation paid to the family members of such police personnel during each of the last three years and the current year;
- (e) whether the family members of such aggrieved police personnel are satisfied with the compensation paid to them; and
- (f) if not, the action taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a) & (b): Suitable provisions are already available in the Criminal Procedure Code and the Indian Penal Code for the protection of security personnel from malafide prosecution. Section 46 of the CrPC authorizes the police to use reasonable force to arrest a person accused of an offence. Further, Section 100 of IPC explains the right of private defence, which extends to even causing death if there is reasonable apprehension that death will be the consequence of such assault. With regard to

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malicious and false complaints against police personnel, Section 182 of IPC enables police to launch prosecution against such persons. In addition, security personnel are protected from malicious prosecution under Section 197 of CrPC, which mandates prosecution sanction of the Government before proceedings are launched against them.

(c) to (f): Ex-gratia lump sum compensation is admissible to the Next of Kin (NoK) of Central Armed Police Forces (CAPF) and Assam Rifles personnel, who die in harness in the performance of their bonafide official duties under various circumstances. The details of such compensation are attached as Annexure. In addition, the CAPFs have their own compensation regime, apart from ex-gratia payment mentioned in the Annexure. A certain compensation is also paid under different schemes of the Ministry of Home Affairs like the Security Related Expenditure Scheme etc. The State Governments have their own system of compensation for the State Police personnel, which differs from State to State.
